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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY HARRISON,

Defendant.

Case No.: CR 07-0594 PJH

**STIPULATION AND ~~[PROPOSED]~~
ORDER FOR MODIFICATION TO
BRIEFING SCHEDULE ON
DEFENDANT'S MOTION TO SUPPRESS**

On January 8, 2008, the parties appeared before the Court to set a jury trial date as well as a briefing schedule and hearing date for Defendant's Motion to Suppress Evidence. The parties agreed on and the Court set this matter to begin a jury trial on April 14, 2008. As for the Motion to Suppress, the parties agreed on and the Court set the following dates:

Defendant's Motion to Suppress Evidence Filing Date - January 30, 2008

Government's Opposition Filing Date - February 13, 2008

Defendant's Reply Filing Date - February 20, 2008

Hearing on Defendant's Motion - March 5, 2008, at 2:30 p.m.

1 On January 29, 2008, defense counsel received seventy-five pages of new and
2 additional discovery from the government including three reports by law enforcement
3 personnel. Defense counsel requires time to consider whether this discovery affects the
4 impending Motion to Suppress and respectfully requests an additional two days for the filing
5 of the motion.
6

7 Assistant United States Attorney Denise Barton does not object to a new briefing
8 schedule.
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10 At the January 8, 2008 calling of this case, the Court indicated that it would needed all
11 briefs on the motion one week prior to the hearing. The new schedule still calls for briefing
12 to be completed 12 days prior to the hearing. However, should the Court require additional
13 time, the parties would be amenable to moving the hearing date from March 5, 2008 to
14 accommodate the Court's schedule.
15

16 The new briefing schedule would be as follows:

17 Defendant's Motion to Suppress Evidence Filing Date – February 1, 2008

18 Government's Opposition Filing Date - February 15, 2008

19 Defendant's Reply Filing Date - February 22, 2008

20 Hearing on Defendant's Motion - March 5, 2008, at 2:30 p.m.

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Finally, the parties represent that granting the continuance is necessary for effective preparation of counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

/s/
 EDWIN K. PRATHER
 Clarence & Dyer LLP
 Attorneys for Jeffery Harrison

/s/
 DENISE BARTON
 Assistant United States Attorney

The Court hereby amends the Briefing Schedule set on January 8, 2008 in the manner set forth above. In addition, for the reasons stated above, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations from January 30, 2008 through February 1, 2008 for effective preparation of counsel. See 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

IT IS SO ORDERED.

Dated: January 30, 2008

